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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Special Committee decision of 12 July 2000 concerning Puerto Rico

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Contents

		Paragraphs	Page
I.	Introduction	1	2
II.	Information on Puerto Rico	2–16	2
	A. General background	2–10	2
	B. Economic development	11–16	3
III.	Recent developments	17–42	5
	A. Political developments	17–28	5
	B. Military developments	29–38	7
	C. Crime prevention	39–42	9
IV.	Previous action taken by the United Nations	43–55	9
	A. General	43	9
	B. Action taken by the Special Committee	44–54	10
	C. Action taken by the General Assembly	55	12
V.	Question of political status: views of the parties concerned	56–65	12
	A. United States of America	57–60	13
	B. Puerto Rico	61–65	14
Annex			
	Organizations contacted to provide updated information on self-determination and independence with respect to Puerto Rico		18

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I. Introduction

1. At its 11th meeting, on 12 July 2000, the Special Committee adopted resolution A/AC.109/2000/24 on the question of the Special Committee decision of 6 July 1999 concerning Puerto Rico. In paragraph 9 of the resolution, the Special Committee requested the Rapporteur to submit a report to the Special Committee on the implementation of the resolution. The present report was prepared by the Rapporteur of the Special Committee in response to that request. It considers the question of Puerto Rico in the light of previous reports prepared by the Rapporteur, recent political developments in Puerto Rico, action taken by United Nations bodies on the question and the views of the parties concerned.

II. Information on Puerto Rico

A. General background

2. Puerto Rico is the most easterly and smallest island of the Greater Antilles in the Caribbean Sea. It has an area of 8,637.7 square kilometres, including the small nearby islands of Vieques, Culebra and Mona. More than three fourths of Puerto Rico is mountainous and the range that runs its length reaches an elevation of 1,219 metres at its highest point.

3. The population, which numbered approximately 150,000 at the beginning of the nineteenth century, increased to more than 2 million during the first half of the twentieth century. According to the 1990 census, the population totalled 3,522,037 and, in 1997, it was estimated at approximately 3.82 million. In addition, there are reportedly between 2.5 and 3 million Puerto Ricans residing on the mainland of the United States of America. The 1990 census calculated the population of San Juan, Puerto Rico's capital, to be approximately 438,000, and the most recent Census Bureau estimates (1997) suggest that this has changed by less than 1 per cent.

4. Puerto Rico was a colony of Spain from 1508 until 1898. Under the Treaty of Paris of 10 December 1898, marking the end of the Spanish-American war, the island was ceded to the United States, which established a military protectorate on the island between 1898 and 1900. In 1900, the United States Congress passed the Foraker Act, replacing the military Government with a civilian one that included a popularly elected legislature. The Governor and the members of the Executive Council, however, were appointed by Washington, D.C., and retained broad powers over the legislature.

5. Self-government was strengthened by the Organic Act (the "Jones Act") of 1917, which added a bill of rights and a popularly elected senate to the governmental machinery established under the Foraker Act. The Governor remained a Washington, D.C., appointee, however, and continued to hold veto power over legislation. The Act also conferred United States citizenship on all Puerto Ricans, although the measure was opposed by the Cámara de Delegados, the popularly elected legislative body.

6. In 1948, during an extraordinary session of the Legislative Assembly, three laws designed to punish acts against the Government of Puerto Rico were passed. One of the laws was signed by the Governor and became Law 53, also known as the "Ley de la Mordaza", or the "Gag Law". According to that legislation, it became a felony to advocate the forceful destruction or overthrow of the island's Government. The law considered as felonious the printing or publishing of certain materials, as well as the organization of groups or assemblies dedicated to overthrowing the Government.[1]

7. Also in 1948, following enactment by the United States Congress of Public Law 362, the first popular gubernatorial elections were held, ending the succession of Washington, D.C.-appointed governors. In 1950, the United States Congress adopted Public Law 600, which provided for the organization of a constitutional government by the people of Puerto Rico. A referendum on the question was held, and on 4 June 1951, the law was approved by 76.5 per cent of the Puerto Ricans who voted. A constitutional convention was convened in September 1951 and a draft constitution subsequently prepared, and submitted to the people of Puerto Rico on 3 March 1952. It was approved by 81 per cent in a referendum in which 59 per cent of eligible voters participated. The draft was sent to the United States Congress for approval and was adopted on 25 July 1952, via Public Law 447, on the condition that specific changes be made to the Bill of Rights.[2] The changes were made despite some objections that the constitution could not be unilaterally modified by the United States Congress. The popular referendum and congressional ratification

created the "Commonwealth" of Puerto Rico, a loose translation of the Spanish term, "Estado Libre Asociado de Puerto Rico", provided in the Constitution.

8. The Constitution of the Commonwealth of Puerto Rico is described in detail in paragraphs 91 to 119 of the Rapporteur's report dated 26 August 1974 (A/AC.109/L.976). In brief, the Government consists of: (a) a Governor elected for four years at each general election; (b) a Legislative Assembly comprising two houses; a Senate (27 members) and a House of Representatives (51 members, who are elected by direct vote of the adult population at each general election); and (c) a Supreme Court and lower courts. Puerto Rico is represented in the Government of the United States by a Resident Commissioner, who is a non-voting member of the United States House of Representatives, but a voting member of the committees on which he or she sits. Although it has its own courts, the Puerto Rican legal system is integrated into the United States federal judicial system via the First Circuit Court of Appeals and federal law prevails over local law.

9. Even with the passage of Public Law 600 and the establishment of a constitutional government for Puerto Rico, all laws concerning the Territory's relations with the United States continued to remain in force. These provisions constituted the Federal Relations Act, which is described in detail in the Rapporteur's 1974 report (see A/AC.109/L.976, paras. 120-132) and under which Act Puerto Rico was brought within the trade, tariff and monetary systems of the United States. Furthermore, the United States undertook responsibility for the defence of Puerto Rico.

10. In 1958, a bill was enacted by Puerto Rico's Legislative Assembly requesting changes in the Federal Relations Act. The following year, only seven years after the ratification of the Constitution, three bills requesting changes in the political status of the Territory were submitted to the United States Congress, but no action was taken on any of them. Further, in 1967, a plebiscite was held, offering inhabitants the choice between independence, becoming a part of the United States, or maintaining the Commonwealth status. The latter option was upheld by 60.41 per cent of voters. The efforts to change and/or clarify the status of Puerto Rico vis-à-vis the United States are described in greater detail in previous reports by the Rapporteur (see, for example, A/AC.109/L.976). For references to subsequent political developments pertinent to the question of Puerto Rico's relationship to the United States, see paragraphs 18 to 29 below.

B. Economic development

11. Puerto Rico has an industrialized economy with particular characteristics derived from its island geography and close institutional links to the United States. The manufacturing sector, which includes operations in pharmaceuticals, electronics, and scientific and precision instruments, accounts for more than 40 per cent of the gross domestic product (GDP). Industrialization was encouraged by the Industrial Incentive Act of 1954, which granted concessions to North American companies that located plants on the island. In addition, section 936 of the United States Federal Tax Code provided generous tax incentives to such companies, including the right to tax-free repatriation of profits. Throughout the years, these policies helped to make Puerto Rico an "offshore manufacturing outpost"[3] of the United States, transforming the economy from a sugar-dominated Caribbean plantation economy to a modern industrialized one. However, as described below, changes, such as the phasing out of section 936 incentives, are undermining the industrial foundations of the Puerto Rican economy and forcing important policy changes.

12. With regard to the primary macroeconomic measures, analysts expect the Puerto Rican economy to continue to slow. The island's economy grew at only 2.8 per cent in 2000 and growth is expected to reach only 2 per cent in 2001. These estimates are based on United States economic growth, which slowed from 5.2 per cent in 2000 to 3.2 per cent in 2001. An even lower United States growth rate, which seems increasingly likely, would probably pull expected Puerto Rican growth down even further. Under the more optimistic scenario, overall employment is expected to increase by only 1 per cent, keeping the unemployment rate at slightly over 10 per cent. Inflation rates are expected to remain above 6 per cent, abating towards the end of 2001, if energy prices drop as expected, and settling around 4 per cent in 2002.[4] Puerto Rico's per capita income is reported to be $9,000, far less than that of the poorest United States state, Mississippi, which is around $14,000. Total consumer debt is estimated at around $16 billion in 1999, compared with $9.7 billion

in 1990. This high level of debt is owing partly to easy access to credit; tellingly, credit card debt rose from $340 million in 1990 to $640 million in 1999.[5]

13. A major challenge for Puerto Rico's economic policy over the past several years has been to prepare the economy for the effects of the phase-out of Section 936 tax exemptions. The huge manufacturing industry in Puerto Rico has been supported by tax incentives provided by the United States Government since the late 1970s. In 1996, a budget-conscious Congress adopted legislation that would begin phasing out these incentives as part of its budget reconciliation and abolish them entirely by 2007. Given the phasing out of the tax incentives, a key strategy of the Puerto Rican Government is to reduce the island's dependence on manufacturing (which currently accounts for about 40 per cent of the island's GDP), and promote the development of the high-technology and tourism sectors in particular. To that end, the previous Government of Pedro Roselló adopted the Puerto Rico Tax Incentives Act in 1998. The legislation reduced corporate taxes by more than half, and provided 200 per cent corporate tax deductions for research and development and job training expenditures.[6]

14. The phasing out of Section 936 has undoubtedly had a significant effect on the island's economy. According to Anibal Acevedo Vila, Puerto Rico's delegate to the United States Congress, the phasing out of Section 936 has thus far cost the Puerto Rican economy from 15,000 to 17,000 jobs.[7] (As reported in paragraph 12 of the previous working paper (A/AC.109/2000/L.3), some estimates report as many as 25,000 manufacturing jobs lost since the elimination of Section 936 incentives.) According to Puerto Rican Senator Eduardo Bhatia, since the phasing-out began, no new factories have come to Puerto Rico, whereas in the past, plant closings were offset by plant openings.[8] To balance this negative picture, however, some analysts say that the elimination of Section 936 is forcing Puerto Rico to undertake reforms that will make its economy more competitive. The former administration of Pedro Roselló, under which the phase-out was enacted, claimed that the elimination of manufacturing incentives would force the Government to begin attracting new businesses, primarily in the high-technology and service sectors, that would make Puerto Rico more competitive in an era when it was facing increased competition from other regional economies such as Mexico (which gained free access to United States markets as a result of the 1994 implementation of the North American Free Trade Agreement (NAFTA) and the Dominican Republic).

15. If it is too early to draw conclusions regarding this comprehensive reorientation of Puerto Rico's economic base, the case of the banking sector might be instructive. Under the Section 936 exemptions, United States corporations in Puerto Rico did not have to pay taxes on interest earned on deposits in the local banking system. Some analysts therefore feared that the phasing out of Section 936 would prove disastrous for the banking sector, depriving it of billions of dollars in deposits. Instead, according to the Puerto Rico Commission of Financial Institutions, while Section 936 deposits shrunk by $2.2 billion between 1994 and 1999, total commercial bank deposits were at $25.8 billion in September 1999, compared to $22.4 billion in June 1994, slightly before the phase-out took effect. (It should be noted that, although the phase-out was adopted in 1996, it was retroactive to 1995.) Experts attribute this positive performance of the banking sector to financial deregulation and new tax incentives, as well as to the introduction of technologies that have reduced operating costs for banks. The improvements also occurred during a period in which the Puerto Rican economy as a whole was steadily expanding and which saw a wave of mergers and acquisitions in the banking sector.[9]

16. The new Government of Sila Calderón has indicated that it will largely follow the economic strategies put in place by her predecessor, Roselló. In addition, the new Government has undertaken to reduce poverty in Puerto Rico by promoting rapid economic growth. To do this, the Governor has assembled a team of technocrats from the private and public sectors, but has ruled out raising taxes to cover Puerto Rico's $28 billion public debt and its $391 million Government deficit.[10] In March 2001, Governor Calderón proposed her first budget. Total expenditures were $20.6 billion, representing a marginal reduction from her predecessor's last budget, and to be allocated as follows: 20 per cent for education and culture, 15 per cent for social welfare, 20 per cent for economic development, 14 per cent for health, 7 per cent for public safety and 5 per cent for Government management.[11]

III. Recent developments

A. Political developments

17. On 7 November 2000, general elections were held in Puerto Rico for the positions of Governor and delegate to the United States Congress. Members of the local Senate and Chamber of Deputies were also elected, as were candidates to fill a variety of municipal and local positions. It should be noted that, while the elections were held on the same day as the presidential election in the United States, Puerto Ricans did not have the right to vote for the President of the United States.

18. The Partido Popular Democratico (PPD) won the Puerto Rican elections, taking control of the executive branch and both houses of the legislature from the Partido Nuevo Progresista (PNP). The main political parties in Puerto Rico differentiate themselves mostly by their position on the ultimate political status of Puerto Rico, none being satisfied with the status quo. PNP favours Puerto Rico becoming a fully integrated state of the United States. PPD opposes all efforts towards statehood, but favours a "free association" with the United States, under which Puerto Rico would have greater governmental authority over its own affairs, but would remain under the sovereignty of the United States and its citizens would remain citizens of the United States.

19. By beating Carlos I. Pesquera, of PNP, by 48.6 per cent to 45.7 per cent, PPD candidate, Sila Maria Calderón, became the first female Governor of Puerto Rico. The incumbent Governor, Pedro Roselló of PNP, had held the post for eight years. The third candidate in the gubernatorial race, Rubén Berrio Martínez of the Partido Independentista Puertorriqueño (PIP), obtained 5.2 per cent of the vote. This represented the best showing for a PIP candidate since 1988 (when PIP gathered 5.5 per cent in the gubernatorial race), and was significantly above the average for the past 40 years (approximately 4.2 per cent).

20. PPD also won a significant majority in the Senate, where it gained 11 seats from PNP for a total of 19 seats to the PNP's 8, with one seat remaining with PIP. Similarly, in the Chamber of Representatives, PPD gained 14 seats and PNP lost 17, with PIP retaining 1 seat as before. (The discrepancy between the number of seats lost to those gained is explained by provisions in the Puerto Rican Constitution which increase the size of the legislature if one party gains more than two thirds of the seats, to ensure that the opposition always has at least one third of the seats.) As a result, the Chamber of Representatives had 54 seats after the election of 1996, but was reduced to 51 seats after the election of 2000, hence the difference of 3 votes in seats lost or gained.

21. Aníbal Acevedo Vilá of PPD defeated Carlos Romero Barceló, the PNP incumbent, for the position of Resident Commissioner (Puerto Rico's non-voting representative in the United States Congress). Acevedo Vilá defeated Romero Barceló 49.3 to 45.4 per cent. The PIP candidate for the position won 4.8 per cent of the votes.

22. Many observers attributed the significant gains of PPD to dissatisfaction over apparent corruption by PNP while it was in power. The United States Federal Bureau of Investigation, the United States Attorney's office and Puerto Rican state agencies found that corruption affected nearly all levels of Puerto Rican Government. Documented cases include the diversion of $2.2 million in federal funds from acquired immunodeficiency syndrome (AIDS) patients to political campaign funds, and $2.5 million in kickbacks for a clean-up contract after hurricane Georges struck in 1998.[12] Another issue which might have hurt PNP was the non-binding political status plebiscite held in 1998, which some voters felt was unfairly designed to favour the option of statehood. In protest at the wording of other status options on the ballot, most voters chose the "none of the above" option, which defeated statehood (see A/AC.109/1999/L.13, paras. 174-180, for a detailed description of the plebiscite and its ballot options). A third issue was voter resentment over the privatization of Government-owned hotels, hospitals and the telephone company.[13] A final factor in the results might have been the perceived betrayal by Governor Pedro Roselló over the question of the carrying out of United States military training on Vieques (see paras. 29-37 below). Roselló made an agreement with President Bill Clinton that allowed the resumption of bombing exercises on Vieques, in exchange for a binding referendum in November 2001 on whether the United States military should depart permanently from the island. This was seen by some pro-independence leaders, who had mobilized opposition to any further bombing on the island, as a betrayal of the people of Vieques. On Vieques itself, 19

per cent of voters, nearly four times more than the national average, voted for PIP.

23. General elections both in the United States and Puerto Rico led to a pause in active efforts to resolve the final political status of Puerto Rico. In June 2000, however, an effort was made by President Bill Clinton to create a mechanism for a formal dialogue with Puerto Rico about its future political status. This initiative was proposed following a meeting at the White House between the President, Puerto Rican political leaders and members of the United States Congress. It was the first time that such a meeting had been held. A working group was consequently established in December 2000 and was requested to submit recommendations on political status options by May 2001. The main concern of the President was to clarify the status options whereby the island could obtain a government that was, in the words of a White House spokesman, "fully democratic".[14] At that meeting, Calderón, then the PPD leader and candidate for Governor, told President Clinton that, given the upcoming elections, it was not the appropriate moment for such a process. She noted that she had proposed the creation of a Unity and Consensus Status Commission ("Comisión de Unidad y Consenso Puertorriqueño"), comprising the three main parties, to define the process of determining a future political status, and that she believed that initiatives with regard to political status should emanate from Puerto Rico, rather than from Washington, D.C.[15] After Calderón was sworn in, she reiterated that position. The new PNP President, Leo Diaz, said that his party would only participate in a process to solve the status issue if and when the invitation came from either the White House or the United States Congress. At the same time, some pro-independence groups have requested separate representation in the yet-to-be-created Unity and Consensus Status Commission, arguing that they would not be fairly represented by PIP.[16] In the meantime, in April 2001, President Bush announced that the working group established by the Clinton administration would remain in place, but he extended the deadline for its recommendations from May to August 2001.

24. Apart from general political questions, three specific issues have been raised before the Special Committee as resulting from the particular political status of Puerto Rico and its insufficiently democratic relationship with the United States. These are (a) the continuing United States military presence in Puerto Rico, and particularly on the island of Vieques; (b) the imprisonment in the United States of pro-independence Puerto Ricans accused of seditious conspiracy and weapons possession; and (c) the application of the death penalty to Puerto Ricans convicted on federal charges.

25. As in previous papers, the issue of the United States military presence on Vieques will be dealt with, under the section dealing with military developments (see paras. 30-37 below).

26. As reported in the previous working paper, the issue of 178 Puerto Ricans sentenced to long jail terms for carrying out political acts was partly addressed in August 1999, when President Bill Clinton offered to conditionally release the prisoners if they formally renounced the use of violence. Eleven of the fifteen prisoners accepted the offer, and a twelfth accepted a bargain by which he would be set free in five years. Of the five remaining Puerto Ricans incarcerated for pro-independence activities, two declined Clinton's conditional release offer, two were not offered conditional release, and one asked not to be included in the campaign for release.[17] Supporters of those who were released, however, have noted that the conditions include tight controls over the actions and statements of the ex-prisoners, which effectively prevent them from continuing to advocate independence for Puerto Rico.[18]

27. The issue of application of the death penalty to Puerto Ricans convicted of crimes was described in paragraph 23 of the 2000 working paper (A/AC.109/2000/L.3), as were recent cases in which the death penalty was sought against Puerto Ricans. In the cases of Héctor Oscar Acosta Martínez and Joel Rivera Alejandro in July 2000, United States District Court Judge Salvador Casellas ruled that the death penalty for federal crimes did not apply in Puerto Rico because its people had no vote in federal elections. In his ruling, Judge Casellas wrote: "It shocks the conscience to impose the ultimate penalty, death, upon American citizens who are denied the right to participate directly or indirectly in the government that enacts and authorizes the imposition of such punishment."[19] The American Civil Liberties Union strongly supported that decision and noted that it was the first time a United States District Judge had used Puerto Rico's political status to reject the federal Government's attempt to apply the death penalty there.[20] The question of execution without

representation is particularly contentious, given increasing concerns about racial discrimination in the application of the death penalty in the United States, and some recent reports that suggest that a number of innocent people are on death row as a result of hasty trials and incompetent legal counsel. Despite the fact that the death penalty is prohibited in Puerto Rico, the United States Justice Department has sought the death penalty for 15 Puerto Rican defendants since 1992, resulting in one of the highest death penalty rates per capita of any state or Territory within the United States.

28. The United States Department of Justice filed a 57-page document in the First United States Circuit Court of Appeals rebutting the arguments of Judge Casellas. The Justice Department said that the death penalty was applicable to federal crimes committed in Puerto Rico under the established precedent that local government cannot circumvent federal laws.[21] Some observers feel that the question will eventually have to be resolved by the United States Supreme Court.[22]

B. Military developments

29. As has been reported in previous working papers on Puerto Rico (see most recently A/AC.109/2000/L.3, paras. 24-30 and A/AC.109/1999/L.13, paras. 18-22), the presence of United States defence forces on the island is considered to be of major importance to the operations of the United States military and also has a significant impact on issues regarding the economic and political self-determination of Puerto Rico. In the past two years, these two priorities have collided, in particular, following a fatal accident on the Puerto Rican island of Vieques, where United States armed forces practise live-fire coordinated manoeuvres. In April 1999, one Puerto Rican was killed and three others injured when a bomb dropped on the wrong target in a botched training exercise. The accident resulted in mass protests on the island, causing the United States to suspend its bombing exercises subject to the findings of a special review panel. In January 2000, Puerto Rican Governor Roselló and United States President Clinton agreed to a solution according to which the Navy would be allowed to resume training at Vieques, but would not be allowed to use live ammunition and training would be limited to 90 days of the year. In exchange, a referendum would be held in November 2001 to allow the people of Vieques to decide whether the military should leave forever, or whether it should remain under specific conditions that would include $50 million for infrastructure and other development. (Governor Calderón has matched the offer of $50 million, to prevent them becoming an issue in the referendum.) If the Navy is allowed to stay, it will be able to resume using live ammunition. In the meantime, the Navy has pledged to provide $40 million in economic aid, regardless of the outcome of the referendum. Ultimately, however, the decision on a referendum rests with the United States Congress rather than with the Navy, and the Congress appears to be divided on the question.

30. Notwithstanding the above, protesters and residents of Vieques who wanted the exercises to cease immediately began a campaign of civil disobedience, setting up camps inside the target area to prevent any further bombing. Among the protesters was Rubén Berrios Martínez, the leader of PIP, who resigned his Senate seat in order to lead the protest and who subsequently spent eleven months inside the target area.

31. On 4 May 2000, federal agents began to remove the approximately 300 protesters from the bombing range, arresting nearly 60 of them, including Mr. Berrios and two Democratic Party members of the United States Congress (see also A/AC.109/2000/L.3, para. 30).[23] In June, the first war exercises since April 1999 were carried out as allowed under the agreement reached between President Clinton and Governor Roselló. Several airplanes and as many as five ships from the United States Ship (USS) George Washington battle group were to fire up to 60,000 kg of inert bombs. Hours before the exercise was to begin, 38 protesters were arrested on the bombing range.[24] In August, the United States carried out further exercises on Vieques, prompting vocal anti-Navy rallies on the mainland, as well as protests by a group of 32 women who entered the bombing range and evaded military patrols for several hours.[25] Exercises were also carried out in October involving troops from other North Atlantic Treaty Organization countries.[26] As the exercises continued, so too did the protests, and over 900 people were arrested between May 2000 and the present in their bid to prevent further bombings on Vieques. As reported above (see para. 23), the protests around Vieques became an issue in the gubernatorial campaigns. Opposition candidate Sila Calderón opposed any further bombing and condemned

Governor Roselló's agreement with President Clinton that allowed bombing to continue at least until 2003.

32. On 2 January 2001, Sila Calderón took office as Governor of Puerto Rico. She demanded the immediate cessation of military exercises on Vieques and refused to support the Clinton-Roselló agreement, saying that it was "not in accord with the general consensus in Puerto Rico" and that "sixty years of a menace to the health and security of our countrymen [was] unacceptable for any civilized and peaceful society".[27] In late January, as part of a flurry of executive orders prior to leaving office, President Clinton ordered the Department of Defense to examine a new study which indicated a high incidence of heart disease among residents of Vieques, and requested the Navy to begin searching for an alternate site for its training.[28] This action effectively postponed any further bombing exercises until March, when President Clinton's successor, George W. Bush, would be in office.[29]

33. The inauguration of President Bush, representing a new administration and a new party in Washington, D.C., increases the uncertainty as to whether the Clinton-Roselló agreement is, in fact, still in effect. President Bush stated that he would abide by the agreement, and accordingly scheduled training exercises for March.[30] After a meeting between Governor Calderón and United States Defense Secretary Donald Rumsfeld in late February, however, the Department of Defense agreed not to conduct the exercises until the results of the examination of the health study mentioned above were revealed. It was further agreed that United States military vessels would conduct training operations in the waters off Vieques, but would not launch any troop landings or use inert bombs or shells on the island.[31]

34. Further complicating the situation, press reports indicate that Governor Calderón's statements are being interpreted by Navy officials as a breach of the Clinton-Roselló agreement, thereby putting in jeopardy not only the $40 million of economic development assistance that the Navy had pledged to Vieques, but also the referendum, scheduled for November 2001, to decide whether the Navy will permanently leave Vieques.[32]

35. On 17 April 2001, the Pentagon notified the Government of Puerto Rico that the USS Enterprise battle group would conduct training exercises on Vieques in accordance with the Clinton-Roselló agreement. The exercises would begin on 27 April and last approximately one week. On 23 April, Puerto Rico adopted a law that set strict noise limits over beaches and surrounding waters. The following day, Puerto Rico filed a federal lawsuit to prevent the exercises from occurring, on the grounds that they would violate the new law as well as the 1972 federal Noise Control Act. On 26 April, a federal judge in Washington, D.C. refused to block the exercises on the grounds that, according to United States law, a finding of "irreparable harm" is necessary to justify an injunction. The judge ruled that the four- to seven-day bombing would not cause irreparable harm. The judge also found, however, that the Navy had made "an implied promise" not to resume bombing until completion of the health studies, which it was effectively breaking by proceeding with the bombing. She encouraged the Pentagon to intensify its discussions with the Government of Puerto Rico with a view to resolving the question.[33] On 27 April, bombing exercises began for the first time since August 2000. By the time the exercises ended on 1 May, nearly 250 people had been arrested for protesting the exercises by putting themselves in the line of fire. Among those arrested were the head of PIP, Ruben Berrios, PNP Senator and former Secretary of State to Governor Roselló, Norma Burgos, and United States Representative Luis Gutierrez of Chicago.

36. In addition to the political activity regarding Vieques, lawsuits were filed against the United States Navy, suggesting that if the Navy's tenure is not ended by political means it may be by legal means. The suits were filed by private firms representing coalitions of groups seeking damages for the effects of diseases believed to have been caused by the frequent bombing. One of the firms has also filed an injunction to force the Navy to end its exercises on the grounds that they place at risk the environment and the health of the people of Vieques.[34] A related issue is the Navy's admitted use of depleted uranium bullets on Vieques. While there is still much scientific debate regarding the dangers of depleted uranium, some researchers believe that it is highly dangerous (and, for example, that it is largely responsible for the unusual heath problems suffered by veterans of the 1991 Persian Gulf War) and that it may be responsible for the cancer rate on Vieques which, by some estimates, is between 25 and 50 per cent higher than in the rest of Puerto Rico.[35]

37. While much attention was focused by the press and policy makers on the protests against the Navy in Vieques, in March 2001, four Vieques residents presented, in Washington, D.C., petitions signed by 1,780 Vieques residents who are in favour of the Navy remaining on the island and who are seeking secession from Puerto Rico and to become a separate United States Territory to that end. On Vieques, 200 residents work for the Navy. The average rate of unemployment in Vieques in 2000 was 12.3 per cent, compared to 10.1 per cent on the main island. The leader of the Vieques delegation to Washington, D.C. feared that economic problems would increase if the Navy were forced to leave.[36] Some Puerto Ricans fear that if the Navy is forced to leave Vieques, it will also leave the Roosevelt Islands base, which employs 2,500 civilians and contributes an estimated $300 million to the local economy.[37]

38. In a positive development, on 30 April the Navy relinquished approximately 8,000 acres of land on the western part of Vieques in accordance with the Clinton-Roselló agreement. A local environmental group will get 800 acres, the United States Department of the Interior will get 3,100 acres and the Vieques government will get 4,000 acres.[38]

C. Crime prevention

39. The high incidence of crime remains a problem in Puerto Rico. The Territory has a murder rate that is three times higher than that of the mainland United States. Since 1994, Puerto Rican police have solved less than 20 per cent of the island's homicides. The figure on the mainland is 65 per cent or more. Neither the police system nor the justice system are highly respected in Puerto Rico, and rumours of corruption reaching into the courts have been expressed.[39] According to a poll taken by the Puerto Rican newspaper, *El Nuevo Dia*, in February 2000, 92 per cent of respondents considered that drugs were the main problem in Puerto Rico, while 91 per cent were worried about crime and security. With regard to corruption, of those polled, 72 per cent up from 60 per cent in a similar poll taken in May 1999,[40] judged it to be a major preoccupation.

40. A large part of the high murder rate and low prosecution rate relates to the persistent problem of drug trafficking and its spillover effects onto society and the institutions of Government. Puerto Rico's geographic location makes it particularly susceptible to being used as a transhipment point for drugs. In the late 1980s, narcotrafficking escalated in Puerto Rico, bringing with it a dramatic increase in violent crime and illegal drug use. Together with the United States Virgin Islands, Puerto Rico is considered a high-intensity drug-trafficking area, particularly as regards the importation of cocaine and heroin en route to the United States.

41. Patterns of drug trafficking are fluid and protean, however, and more recent analyses suggest that Puerto Rico's role in this traffic is changing. According to the Caribbean drug control Coordination Mechanism, Puerto Rico is no longer the undisputed regional hub for the cocaine trade, which is now more evenly spread across the Caribbean, and in particular to the Dominican Republic, Haiti and Jamaica. Total volume of the cocaine trade through Puerto Rico has declined by over a third. Nonetheless, according to the Caribbean Coordination Mechanism, Puerto Rico still receives the largest share of the cocaine trade. Two factors explain this: first, the large volume of daily flight connections between Puerto Rico and the United States made it attractive, despite higher interception rates; and second, there was an important local market for drugs in Puerto Rico.[41]

42. The high crime rate carries increasing costs to Government and society. Puerto Rico has 48 prisons and spent an estimated $451 million, or 2 per cent of the Government's total operating budget, on its prison population. This number is up more than 150 per cent from 1992. In 1992 there were 9,500 prison beds in Puerto Rico's system and 11,300 inmates. Now, there are 17,353 beds and 15,498 inmates.[42]

IV. Previous action taken by the United Nations

A. General

43. Information on action taken by United Nations bodies with respect to Puerto Rico prior to 1974 is contained in the 1973 report of the Rapporteur (A/AC.109/L.976). Information on action taken between 1974 and 1985 is contained in the report of the Rapporteur on the implementation of the Special Committee's decision of 7 September 1976 concerning Puerto Rico (A/AC.109/L.1191 and Add.1), covering

the period from 1974 to 1976; the report of the Rapporteur on the implementation of the Committee's resolution of 12 September 1978 concerning Puerto Rico (A/AC.109/L.1334 and Add.1-3), covering the period from 1977 to 1978; the report of the Rapporteur submitted in pursuance of the Committee's resolution of 20 August 1981 concerning Puerto Rico (A/AC.109/L.1436), covering the period from 1979 to 1981; and the report of the Rapporteur submitted in pursuance of the Committee's decision of 23 August 1984 concerning Puerto Rico (A/AC.109/L.1572), covering the period from 1981 to 1985. Information on action taken between 1984 and 1998 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 11 August 1998 concerning Puerto Rico (A/AC.109/1999/L.13). Information on action taken in 1999 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 11 August 1998 concerning Puerto Rico (A/AC.109/2000/L.3).

B. Action taken by the Special Committee

44. At its 10th and 11th meetings, on 12 July 2000, the Chairman of the Special Committee drew attention to a number of communications received from organizations requesting to be heard on Puerto Rico by the Committee. At the same meetings, the Special Committee agreed to accede to those requests and heard representatives of the organizations concerned.

45. At the 10th meeting, statements were made by Eduardo Villanueva Muñoz, on behalf of the Colegio de Abogados de Puerto Rico; Julio A. Muriente Pérez, on behalf of the Nuevo Movimiento Independentista Puertorriqueño; Jorge Farinacci García, on behalf of the Frente Socialista; Edwin Pagan, on behalf of ProLibertad; Reverend Eunice Santana, on behalf of the Commission of the Churches on International Affairs; Fernando J. Martín, on behalf of the Partido Independentista Puertorriqueño; Javier Colón Morera, on behalf of the Instituto Puertorriqueño de Relaciones Internacionales; Nilda Luz Rexach, on behalf of the National Advancement for Puerto Rican Culture; José Adames, on behalf of Al Frente; Salvador Vargas Jr., on behalf of Concerned Puerto Rican Americans; Hector Bengochea, on behalf of Gran Oriente Nacional and Gran Logia Nacional de Puerto Rico; José Paralitici, on behalf of Todo Puerto Rico con Vieques; Edgardo Díaz Díaz, on behalf of Sociedad Bolivariana de Puerto Rico; Juan María Brás, on behalf of Causa Común Independentista; Lolita Lebrón, on behalf of Puerto Rico, Mi Patria; and Marisol Corretjer, on behalf of the Partido Nacionalista de Puerto Rico.

46. At the 11th meeting, statements were made by Wilfredo Santiago-Valiente, on behalf of the United Statehooders Organization of New York, Inc.; Vanessa Ramos, on behalf of the American Association of Jurists; James Harris, on behalf of the Socialist Workers party; Elliot Monteverde-Torres, on behalf of the Center for Constitutional Rights; Jaime A. Medina, on behalf of the Working Group on Puerto Rico; Wilma E. Reveron, on behalf of the Congreso Nacional Hostosiano and Comité Puerto Rico en la ONU; Colette Pean, on behalf of Nord-Sud XXI and December 12th Movement International Secretariat; Alfredo Marrero, on behalf of Comité Pro Rescate y Desarrollo de Vieques; José Rivera, on behalf of Estadidad 2000 Puerto Rico; and Olga Mardach Miguel, on behalf of Women for Peace and Justice for Vieques, Puerto Rico.

47. At the 10th meeting, the representative of Cuba made a statement on a point of order (see A/AC.109/2000/SR.10).

48. At the 11th meeting, the representative of Cuba introduced draft resolution A/AC.109/2000/L.11.

49. At the same meeting, the Rapporteur of the Special Committee introduced the report on the item contained in document A/AC.109/2000/L.3.

50. Also at the same meeting, statements were made by the representatives of Iraq and Venezuela (see A/AC.109/2000/SR.11).

51. At the same meeting, the Special Committee adopted draft resolution A/AC.109/2000/L.11 without a vote (A/AC.109/2000/24).

52. At the same meeting, the representative of Chile made a statement in explanation of position (see A/AC.109/2000/SR.11).

53. Also at the same meeting, statements were made by the representatives of Bolivia and Cuba (see A.AC/109/2000/SR.11).

54. Resolution A/AC.109/2000/24 was adopted by the Special Committee at its 11th meeting, on 12 July 2000. It read as follows:

"*The Special Committee*,

"*Bearing in mind* the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

"*Considering* that the decade of the 1990s, which will soon draw to a close, was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and the eighteen resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

"*Recalling* that 25 July 1999 marks the one hundred and second anniversary of the intervention in Puerto Rico by the United States of America,

"*Also recalling* the diverse initiatives taken by the political representatives of Puerto Rico and the United States in the past eleven years, which have thus far failed to set in motion the process of decolonization of Puerto Rico,

"*Stressing* the need for the United States to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV), and resolutions and decisions of the Special Committee concerning Puerto Rico,

"*Taking into account* the proposals to convene a sovereign Constituent Convention of the people of Puerto Rico as part of the search for realistic procedures which would make it possible to launch the process of decolonization of Puerto Rico,

"*Aware* that Vieques Island, Puerto Rico, has been used for over fifty years by the United States Marines to carry out military manoeuvres, thus limiting access by the civilian population to a space scarcely a quarter of the island, and having an impact on the health of the population, the environment and the economic and social development of the Territory,

"*Regretting* that, after a year of inactivity, which was welcomed by the people of Puerto Rico, the Government of the United States has resumed its military manoeuvres and bombings on Vieques Island, which is inhabited, removing and incarcerating peaceful demonstrators and imposing further restrictions on the civilian population,

"*Noting* the consensus among the Puerto Rican people on the urgency of halting military manoeuvres on Vieques Island and on the return of occupied land to the people of Puerto Rico,

"*Also noting* the consensus among the people of Puerto Rico in favour of the release of all Puerto Rican prisoners who have been serving sentences in United States prisons on cases related to Puerto Rico's independence,

"*Noting with satisfaction* the release of eleven Puerto Rican political prisoners,

"*Further noting* that the Final Document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held in Cartagena de Indias on 8 and 9 April 2000, reaffirms the right of the people of Puerto Rico to self-determination and independence on the basis of General Assembly resolution 1514 (XV) and requests the Special Committee to continue actively pursuing the issue of Puerto Rico,

"*Having heard* statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

"*Having considered* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

"2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own and unequivocal national identity;

"3. *Reaffirms* its hope, and that of the international community, that the Government of

the United States of America will assume its responsibility of expediting a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico;

"4. *Notes with satisfaction* that, during the past year, progress has been achieved towards the implementation of a mechanism ensuring the full participation of representatives of all viewpoints prevailing in Puerto Rico, such as the proposals to convene a sovereign Constituent Conference of the people of Puerto Rico;

"5. *Expresses* its hope that the General Assembly will give comprehensive consideration to the question of Puerto Rico in all its aspects;

"6. *Encourages* the Government of the United States, in line with the need to guarantee to the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, to order the halt of its armed forces' military drills and manoeuvres on Vieques Island, which is inhabited, return the occupied land to the people of Puerto Rico, halt the persecution, arrests and harassment of peaceful demonstrators, respect fundamental human rights, such as the right to health and economic development, and decontaminate the impact areas;

"7. *Welcomes* the release of eleven Puerto Rican prisoners and expresses its hope that the President of the United States will release all Puerto Rican political prisoners serving sentences in United States prisons on cases related to the struggle for the independence of Puerto Rico;

"8. *Notes with satisfaction* the report prepared by the Rapporteur, in compliance with its resolution of 6 July 1999;

"9. *Requests* the Rapporteur to report to the Special Committee in 2001 on the implementation of the present resolution;

"10. *Decides* to keep the question of Puerto Rico under continuous review."

C. Action taken by the General Assembly

55. During the fifty-fifth session of the General Assembly, no draft resolution was submitted on this issue to the Assembly for action. Introducing the report of the Special Committee at the 83rd meeting of the General Assembly on 8 December 2000, the Rapporteur of the Special Committee stated:

> "This year, the Special Committee, pursuant to its decision of 6 July 1999 concerning Puerto Rico, considered a report on that issue and adopted resolution A/AC.109/2000/24. By the terms of its resolution, the Special Committee, among other things, reaffirmed the hope that the Government of the United States of America would expedite a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with resolution 1514 (XV) and Special Committee resolutions and decisions on Puerto Rico. It also encouraged the Government of the United States to order the halt of its armed forces military drills and manoeuvres on Vieques Island, to return the occupied land to the people of Puerto Rico, to halt the persecution, arrests and harassment of peaceful demonstrators and to respect the right to health and economic development; it also welcomed the release of Puerto Rican prisoners and expressed the hope that the President of the United States would release all political prisoners serving sentences on cases related to the struggle for the independence of Puerto Rico."[39]

V. Question of political status: views of the parties concerned

56. A detailed account of developments pertinent to the question of political status prior to the period under review are contained in the following reports for the corresponding periods: A/AC.109/L.1334, paragraphs 57 to 82 (1959-1979); A/AC.109/L.1436, paragraphs 67 to 81 (1979-1982); A/AC.109/L.1572, paragraphs 73 to 120 (1982-1985); A/AC.109/1999/L.13, paragraphs 169-180 (1985 to 1998); and A/AC.109/L.3, paragraphs 47 to 57 (1999-2000).

A. United States of America

57. Since 1953, the United States has maintained a consistent position regarding the status of Puerto Rico and the competence of United Nations organs to examine that status. By resolution 748 (VIII) of 27 November 1953, the General Assembly released the United States from its obligations under Chapter XI of the Charter of the United Nations. Since then, the United States has maintained that Puerto Rico has exercised its right to self-determination, has attained a full measure of self-government, has decided freely and democratically to enter into a free association with the United States and is, therefore, as stated explicitly in resolution 748 (VIII), beyond the purview of United Nations consideration. At the fifty-first session of the General Assembly, the representative of the United States stated in the Fourth Committee that the political status of Puerto Rico had been examined at repeated plebiscites, the results of which had shown that there were few supporters of independence in Puerto Rico. The vast majority of Puerto Ricans supported the status quo, which meant that the issue had no bearing on the work of the Committee.[40]

58. On 23 December 2000, President Clinton issued a "Memorandum for the Heads of Executive Departments and Agencies" on the subject of the resolution of Puerto Rico's status. The memorandum read as follows:

> "Although Puerto Rico was acquired in connection with the Spanish-American War and United States citizenship is granted to persons born on the islands, Puerto Rico's ultimate status has not been determined. Until that issue is resolved, questions remain about how United States economic and social policies should apply to the citizens of Puerto Rico. Further, although our citizens in Puerto Rico have been granted the exercise of authority on local matters similar to that of citizens of a State, they do not have voting representation in the Federal Government.
>
> "All three of Puerto Rico's major political parties are based on different visions of what the options for a fully democratic status are, and what the best status would be. And all advocate a substantial change in the islands' status. The Commonwealth held a referendum on options for its future status in December 1998, including the current governing arrangement, and other recognized options, but a majority of the vote was for a 'None of the Above' column.
>
> "Much of the debate on the issue concerns what options are available to Puerto Rico, in light of the Constitution and the basic laws and policies of the United States. The elected representatives of the people of Puerto Rico have, therefore, repeatedly petitioned the Federal Government to clarify the islands' status options as well as the process by which Puerto Ricans can determine the islands' future status.
>
> "The United States has a responsibility to answer such questions.
>
> "Successive Presidents, and the Congress in 1998, have supported the people of Puerto Rico in determining their status preference from among options that are not incompatible with the Constitution and basic laws and policies of the United States. I have made it the policy of the executive branch to work with the leaders of the Commonwealth and the Congress to enable Puerto Ricans to choose their future status. We also have the responsibility to help Puerto Ricans obtain the necessary transitional legislation towards a new status, if chosen.
>
> "To ensure that the Federal Government continues to address the fundamental question concerning the islands until it is resolved, by the authority vested in me as President by the Constitution and the laws of the United States of America, including Public Law 106-346, I have today issued an Executive Order establishing the President's Task Force on Puerto Rico's Status (President's Task Force) and further direct as follows:
>
> "1. The Co-Chairs of the President's Task Force shall conduct an ongoing dialogue with the Governor and Resident Commissioner of Puerto Rico, Puerto Rico's major political parties and other groups that advocate a change in the islands' status, and the Chairs and Ranking Minority Members of the House of Representatives Committee on Resources and the Senate Committee on Energy and Natural Resources. This dialogue shall focus on the options for Puerto Rico's future status and the process by which Puerto Ricans can realize such an option. It shall seek to facilitate

communications among the offices that the aforementioned officials represent on matters relating to the status of the Commonwealth, and ensure official attention to, and facilitate action on, such matters. In particular, the dialogue shall seek to clarify the options for Puerto Rico's future status and enable Puerto Ricans to choose among those options.

"2. The Co-Chairs of the President's Task Force shall monitor the expenditure of funds for public education on and a public choice among Puerto Rico's status options pursuant to Public Law 106-346. This monitoring shall include ensuring that educational materials are accurate, objective, and non-partisan and that they are consistent with the standards set forth in the Executive Order entitled 'Establishment of the President's Task Force on Puerto Rico's Status'.

"3. The heads of executive departments and agencies shall cooperate with the Co-Chairs in fulfilling the assignments provided for herein and in the accompanying Executive Order."[43]

59. In January 2001, a new United States administration, of a different party than that of the preceding eight years, acceded to power. In March 2001, the Secretariat, on behalf of the Special Committee addressed a letter to the Permanent Representative of the United States to the United Nations to ascertain that Government's views on the question of Puerto Rico. James B. Cunningham, Chargé d'affaires a.i., responded on behalf of his Government as follows:

"In response to your request for information on Puerto Rico, dated 9 March 2001, the Government of the United States has the honour of drawing your attention to General Assembly resolution 748 (VIII), which determined the Declaration regarding Non-Self-Governing Territories would no longer be applied to Puerto Rico after the residents voted to accept the governing arrangement for the islands. The residents of Puerto Rico have reaffirmed this decision in at least two referendums over the past decade.

"As the Declaration regarding Non-Self-Governing Territories is not applicable to Puerto Rico, we ask that the Committee focus its attention on the eighteen [sic] Territories remaining on the list of Non-Self-Governing Territories."

60. Additional background information on the views and positions of the United States since 1953, including perspectives offered by officials of the legislative branch and decisions of the judicial branch of the United States Government, is reflected in the report for 1999 (A/AC.109/1999/L.13).

B. Puerto Rico

61. In March 2001, the Secretariat, on behalf of the Special Committee addressed identical letters to several political parties in Puerto Rico, as well as to certain organizations that had previously communicated with the Special Committee on the subject, inviting them to transmit to the Rapporteur their views on developments related to Puerto Rico which have taken place since the past year's report (see the annex for a list of the organizations contacted). A similar letter was sent to the Representative of the United States to the United Nations requesting that country's views on such developments (see para. 59 above).

62. The texts of the replies received are presented below.

63. On behalf of the Ateneo Puertorriqueño, its President, Eduardo Morales Coll, wrote:

"... Please be advised that the colonial situation in Puerto Rico existing on 12 July at the time the [last] resolution was adopted, is the same colonial situation existing at the moment I write you this letter.

"The United States maintains a Puerto Rican economy dependent on United States customs, products, markets and prices.

"The United States maintains Puerto Rico and Puerto Ricans under the 'Territorial Clause' of its Constitution.

"The United States continues its practice of approving laws and regulations applicable to Puerto Rico, without allowing Puerto Ricans in Puerto Rico to vote on the approval, nor on the election of the people who approve them.

"The United States maintains a Court of Justice in Puerto Rico to process crimes against

Puerto Ricans who allegedly violate the laws approved by the United States without the participation of the Puerto Rican people.

"The United States maintains its Court of Justice in Puerto Rico operating exclusively in the English language, even though it is a language not understood by more than 80 per cent of the population.

"The United Nations participates and helps the United States in maintaining a colonial status in Puerto Rico by refusing to act according to its own Charter and resolutions."

64. On behalf of the Gran Oriente Nacional de Puerto Rico, Erasto Zayas Núñez wrote:

"First: Since the change of government from a pro-statehood party to a party that supports the status quo, there has been a serious decline in our island's economy.

Second: During the past year, the United States Congress has not taken any positive steps to help solve the colonial problem.

Third: The ominous presence of the United States Navy on the national territory of Vieques has increased. Furthermore, Congress has adopted legislation which nullifies the few progressive elements contained in President William J. Clinton's executive order.

Fourth: Dozens of peace activists on Vieques continue to be punished by the imperialist court in our country."

65. On behalf of the Nuevo Movimiento Independentista Puertorriqueño, Professor Julio Muriente, the President of that organization, wrote:

"On 7 November 2000, colonial general elections were held in Puerto Rico. The Partido Popular Democrático (PPD), which favours Commonwealth status, won. The Partido Nuevo Progresista (PNP), which favours annexation to the United States and had controlled the colonial government for the past eight years, was defeated.

"The PPD candidate was the then mayor of the capital city, San Juan, and current Governor, Sila María Calderón, who defeated the pro-annexation (PNP) candidate, Carlos Pesquera. In addition to having won the elections for Governor and for Resident Commissioner in Washington, D.C., the PPD controls the Senate and the House of Representatives and holds two thirds of the mayoral seats in the country. The Partido Independentista Puertorriqueño (PIP) won 5.2 per cent of the vote and managed to elect one senator and one member of the House of Representatives; this represents an increase over the 3.6 per cent of the vote which the party received in the 1996 general elections. Although PIP did not present itself as a formal electoral front, it did have the support of other pro-independence sectors.

"Key issues in the electoral campaign included:

"1. The widespread corruption characterizing the Roselló-PNP Government, which led to the arrest, trial and conviction of senior Government officials. The Government was widely believed to be the most corrupt Government in the country's history.

"2. The struggle for peace for the island municipality of Vieques, which gained considerable momentum following the death of Puerto Rican David Sanes, killed by a bomb dropped by a United States Navy aircraft on occupied territory of Vieques on 19 April 1999.

"3. The marked increase in patriotism and nationalism among very diverse sectors of the Puerto Rican people, expressed in particular through rejection of the Roselló-PNP Government's repeated attempts to move towards annexation.

"Governor Sila Calderón has promised a transparent Government and has pledged to eradicate government corruption, fight for the departure of the United States Navy from Vieques and establish a status commission to generate proposals and ideas for finding a definitive solution to the country's political problem.

"This last pledge is important (despite the limited colonial powers that accompany Puerto Rico's current status) because it would represent an initiative by Puerto Ricans in Puerto Rico and could lead, for example, to the convening of a constituent assembly. It would not be dependent on an initiative by the United States Congress,

involving neither the participation nor the consent of Puerto Ricans, as was the case with the efforts of the previous, pro-annexation (PNP) Government through the Young Project, which did not guarantee self-determination. Naturally, a search for a solution to the colonial problem that is initiated by Puerto Ricans in Puerto Rico will necessarily and inevitably have to envisage a key role for the United States, which has so far been unwilling to consider decolonization.

"Under the new Puerto Rican Government's initiative, the future commission would include, in addition to the three official political parties, representatives of civil society. This shows that the Government recognizes that the problem of Puerto Rico's political future is not a partisan issue but a national and social one.

"If the present Government is prepared to establish a status commission and is ready to allow this discussion to take place with its official blessing, it is because the challenges to and the growing repudiation of the Commonwealth ever since its establishment on 25 July 1952 have proved stronger than the insistence that the colonial problem has been settled. While it is true that the new Government's hope and aim is to legitimize the Commonwealth as Puerto Rico's own ostensibly autonomous, non-colonial Government, we nevertheless recognize the potential value of this initiative, the official name of which is the Puerto Rican Unity and Consensus Status Commission and which is to be established on or around 25 July 2001, the twenty-ninth anniversary of the Commonwealth.

"In the economic field, poverty and inequality are increasingly serious problems for the country. Nearly 70 per cent of families are living in poverty, and while a minority receive 50 per cent of the income generated, the poverty-stricken majority must content itself with 15 per cent of all income. Studies have shown that lack of jobs is the primary cause of inequality, and this is closely linked to the dependent colonial nature of the current economic model.

"Neither the PNP Government (which embezzled and plundered the country's economic and natural resources) nor the new colonial administration (PPD) has taken significant steps to propose alternatives, despite all their talk of 'new models'. Neither of them managed to propose an alternative to the economic collapse caused by the unilateral decision of the United States Congress to eliminate the so-called '936 corporations' which were the mainstay of the economy in recent years. The colonial parties are trapped in the vicious circle of an economic policy that boils down to lobbying Congress to restore the '936 exemptions' or to adopt new emergency measures to stimulate economic growth.

"Our economic future (in the new environment of global competitiveness) necessarily depends on our being able to acquire the political powers that will allow us to exercise self-determination. For example, it is essential that the country should have the power to conclude bilateral trade agreements with other countries, to eliminate the coastal traffic laws imposed by the United States for its own benefit, to participate as a full member in the Association of Caribbean States (and the regional development bank) and to protect all our natural resources, and that it should be able to designate free trade and technological research areas in order to make better use of our resources. All these steps are prevented by the current colonial policy, which forces on us a model of massive exploitation of surplus value whose negative consequences for the population include widespread social violence, drug use and trafficking, a brain drain and other losses resulting from the emigration of many social sectors.

"The defeat of the pro-annexation party in the 2000 elections should have strategic consequences beyond that of an electoral loss. The affirmation of Puerto Rican nationhood — from various standpoints, including the colonialists who claim that Puerto Rico is already a nation — appears to have won a resounding victory over those who deny it.

"The Vieques struggle has played a key role in this process of national affirmation. Over 700 people have already been arrested for civil disobedience on Vieques and are now being tried by the federal court in Puerto Rico. Solidarity with the patriots who are still in prison in the

United States is also growing. There is a wave of patriotism and nationalism in the country even though for many Puerto Ricans, the country and the nation are the Commonwealth. But then the debate has shifted from whether or not there is a nation which has a right to self-determination to how and in what direction this desire is to be channelled and how this process is to take place now that there is widespread recognition and affirmation of Puerto Rican nationhood; this in itself is a major victory over colonialism."

Notes

[1] Ivonne Acosta, *La Mordaza: Puerto Rico, 1948-1957* (Rio Piedras, Editorial Edil, 1989), p. 13.

[2] The United States Congress made ratification of the Puerto Rican Constitution conditional on the elimination of section 20 of the proposed bill of rights. Section 20 recognized, inter alia, rights to social protection in the event of unemployment, sickness, old age or disability, the right to obtain work, the right to an adequate standard of living and the rights of mothers and children to special care and assistance. José Trias Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven: Yale University Press, 1997), pp. 114 and 117.

[3] The Economist Intelligence Unit, Country Profile, Puerto Rico 1998-1999.

[4] Ibid., "Puerto Rico: Country Outlook", 26 January 2001.

[5] *The Boston Globe*, 31 January 2001.

[6] *Financial Times* Survey, Puerto Rico, 29 July 2000.

[7] *Agencia EFE*, 26 January 2001.

[8] *The Washington Times* Special Report, Puerto Rico, 29 September 1999.

[9] *Financial Times* Survey, Puerto Rico, 29 July 2000.

[10] *Financial Times*, 3 January 2001.

[11] *Caribbean Insight*, 23 March 2001, vol. 24, number 11.

[12] *Samoa News*, 27 August 2000.

[13] *Orlando Sentinel*, 8 November 2000.

[14] *Agencia EFE*, 28 June 2000.

[15] Comunicados de Prensa, Sila María Calderón, 28 June 2000.

[16] Puerto RicoWOW News Service, 29 March 2001.

[17] "Puerto Rican Political Prisoners and Prisoners of War Released", *Turning the Tide: Journal of Anti-Racist Action, Research & Education*, vol. 12, #3, Fall 1999.

[18] "Yankee Injustice and the Release of 11 Puerto Rican Political Prisoners", *Revolutionary Worker*, #1023, 26 September 1999.

[19] *Newsday*, 23 July 2000.

[20] *ACLU News*, 19 July 2000.

[21] *Associated Press*, 16 January 2001.

[22] *Orlando Sentinel*, 19 July 2000.

[23] *Agence France Presse*, 4 May 2000.

[24] *Reuters*, 25 June 2000.

[25] *Agencia EFE*, 7 August 2000.

[26] *Associated Press*, 18 October 2000.

[27] *Caribbean Insight*, 12 January 2001.

[28] *The New York Times*, 20 January 2001.

[29] *Associated Press*, 17 January 2001.

[30] *Financial Times*, 4 January 2001.

[31] *Reuters*, 1 March 2001.

[32] *The Virginia-Pilot*, 15 December 2000, and *Reuters*, 4 March 2001.

[33] *The New York Times*, 27 April 2001.

[34] *The Miami Herald*, 1 July 2000, and *Inter Press Service*, 7 August 2000.

[35] *Inter Press Service*, 30 January 2001.

[36] *Associated Press*, 29 March 2001.

[37] Knight Ridder/Tribune News Service, 1 May 2001.

[38] *Agencia EFE*, 30 April 2001.

[39] *The Philadelphia Inquirer*, 18 June 2000.

[40] *El Nuevo Dia*, 27 February 2000.

[41] *UND.C.P Focus*, May 2000.

[42] *Caribbean Business*, 12 October 2000.

[43] See Internet web site http://puertorico-herald.org/issues/vol4n52/MemoTaskForce.en.shtml.

Annex

Organizations contacted to provide updated information on self-determination and independence with respect to Puerto Rico

Alianza de Mujeres Viequenses

Asamblea Municipal (Vieques)

Asociación de Pescadores de Vieques

Asociación de Pescadores del Sur de Vieques

Ateneo Puertorriqueño

Caballistas por la Paz

Colegio de Abogados de Puerto Rico

Comite Pro Rescate y Desarollo de Vieques

Comité Puerto Rico en la ONU

Congreso Nacional Hostosiano

Fideicomiso de Conservación de Vieques

Frente Socialista

Gobierno Municipal de Vieques

Gran Oriente Nacional de Puerto Rico

Iglesia Metodista de Vieques

Instituto Caribeño de Acción y Formación Ecuménica

Instituto Puertorriqueño de Relaciones Internacionales

Jinetes por la Paz de Vieques

Juventúd Viequense Unida

Nuevo Movimiento Independentista Puertorriqueño

Párroco Católico de Vieques

Partido Independentista Puertorriqueño

Partido Nacionalista de Puerto Rico

Partido Popular Democrático

Proyecto Caribeño de Justicia y Paz

Unión Nacional Pro-Patria

Veteranos Viequenses por la Paz

United Nations A/AC.109/2001/L.4

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Acting Chairman

Dissemination of information on decolonization

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 55/145 of 8 December 2000,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving the goals of the Second International Decade for the Eradication of Colonialism,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

2. *Considers it important* to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis

01-41146 (E) 140601

on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. *Requests* the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. *Requests* all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Acting Chairman

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 *e* of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 55/137 of 8 December 2000, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 *e* of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

Having examined the report of the Secretary-General,[1]

1. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

2. *Requests* the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 *e* of the

[1] A/56/67.

01-41159 (E) 140601

Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

3. *Requests* the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. *Decides*, subject to any decision that the General Assembly may take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Acting Chairman

Question of sending visiting missions to Territories

The Special Committee,

Having considered the question of sending visiting missions to Territories,

Recalling the relevant resolutions and decisions of the General Assembly and the Special Committee requesting the administering Powers to cooperate fully with the United Nations by receiving visiting missions in the Territories under their administration,

Mindful that United Nations visiting missions provide an effective means of assessing the situation in those Territories and of ascertaining the wishes and aspirations of the peoples thereof regarding their future status,

Conscious that United Nations visiting missions enhance the capacity of the United Nations to assist the peoples of Non-Self-Governing Territories in attaining the objectives set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and in other relevant resolutions of the Assembly,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and that, at the invitation of the Government of New Zealand, a visiting mission was dispatched to Tokelau in July 1994,[1]

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar that a visiting mission be sent to Guam, and taking note of resolution No. 464 (LS), adopted by the twenty-third Guam legislature on 19 July 1996, in which it requested the dispatch of a United Nations visiting mission to that Territory,

[1] See A/AC.109/2009.

01-41353 (E) 150601

Welcoming the commencement of informal dialogue between the Special Committee and some administering Powers,

1. *Stresses* the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to those Territories;

2. *Calls upon* the administering Powers to cooperate or continue to cooperate with the United Nations by receiving United Nations visiting missions in the Territories under their administration;

3. *Requests* the administering Powers to consider new approaches in the work of the Special Committee, and urges them to cooperate with the Special Committee in its efforts;

4. *Requests* its Chairman to continue consultations with the administering Powers concerned and to report thereon to the Special Committee as appropriate;

5. *Also requests* its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory.